A/67/36

United Nations

Report of the United Nations High Commissioner for Human Rights

General Assembly

Official Records
Sixty-seventh Session
Supplement No. 36

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Report of the United Nations High Commissioner for Human Rights

United Nations • New York, 2012

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ISSN 1020-3672

[27 July 2012]

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I. Introduction

1. The present report presents the work of the Office of the United Nations High Commissioner for Human Rights (OHCHR) undertaken from August 2011 to July 2012, illustrating the implementation of the six thematic priorities of the Office as defined in its management plans for 2010-2011 and 2012-2013.

2. I am honoured to have been entrusted, for two additional years, with the mission of promoting and protecting human rights worldwide, and I am committed to pursuing this mandate with the utmost diligence.

3. The period under review has been marked by events which have put to the test the capacity and will of the international community to prevent and promptly respond to human rights and humanitarian disasters. The crisis in the Syrian Arab Republic, difficult political, economic and social transitions, and the situation in the Sahel and the Horn of Africa might have been mitigated had the protection of people prevailed over political considerations. Outright disrespect for international human rights and humanitarian law, and thus for human life itself, is an anachronism that cannot be tolerated by the international community.

4. Over the past year, I have relentlessly advocated adherence to international human rights standards, including in the context of crises and transitions and in the consolidation of democratic societies. The profile of my Office in the international media has increased dramatically, as it has in the social media, which have emerged as a powerful platform for raising awareness of human rights. In addition, Assistant Secretary-General Ivan Simonovic and the New York Office of the High Commissioner continued to work closely with other United Nations entities to integrate a human rights dimension throughout the work of the Organization. The role of the New York Office was also critical in informing intergovernmental bodies about human rights challenges in the context of discussions on peace and security and debates on development.

5. As at July 2012, OHCHR had established, and was maintaining, 58 human rights field presences: 12 country and stand-alone offices,[1] 12 regional offices,[2] 16 human rights components of peace missions[3] and 18 human rights advisers

[1] The country offices are located in Bolivia (Plurinational State of), Cambodia, Colombia, Guatemala, Guinea, Mauritania, Mexico, Togo, Tunisia and Uganda. The stand-alone offices are in Kosovo (Serbia) and the Occupied Palestinian Territory.

[2] The regional offices are located in East Africa (Addis Ababa), Southern Africa (Pretoria), West Africa (Dakar), the Middle East (Beirut), South-East Asia (Bangkok), the Pacific (Suva), Central America (Panama City), South America (Santiago), Central Asia (Bishkek) and Europe (Brussels). The Subregional Centre for Human Rights and Democracy in Central Africa, based in Yaoundé, and the Subregional Centre for Human Rights and Democracy in Doha are subsidiary offices of OHCHR.

[3] African Union-United Nations Hybrid Operation in Darfur (UNAMID); United Nations Assistance Mission for Iraq (UNAMI); United Nations Assistance Mission in Afghanistan (UNAMA); United Nations Integrated Mission in Timor-Leste (UNMIT); United Nations Integrated Peacebuilding Office in Sierra Leone (UNIPSIL); United Nations Integrated Peacebuilding Office in the Central African Republic (BINUCA); United Nations Mission in Liberia (UNMIL); United Nations Mission in South Sudan (UNMISS); United Nations Office in Burundi (BNUB); United Nations Operation in Côte d'Ivoire (UNOCI); United Nations Peacebuilding Support Office in Guinea-Bissau (UNOGBIS); United Nations Political Office for Somalia (UNPOS); United Nations Stabilization Mission in Haiti (MINUSTAH); United Nations Stabilization Operation in the Democratic Republic of the Congo (MONUSCO); United Nations

within United Nations country teams.[4] Furthermore, in June 2012, OHCHR began to conduct regional activities in North Africa.[5] The OHCHR office in Nepal was closed, pursuant to the Government's decision not to extend its mandate.

6. The country visits that I myself and my representatives undertook enabled high-level advocacy and dialogue on critical human rights issues. Since August 2011, I have conducted missions to (in chronological order) the Republic of Moldova, France, the Maldives and Indonesia, Guatemala, Barbados, Sweden, South Sudan, Zimbabwe, Belgium, Pakistan, Brazil, Kyrgyzstan and Kazakhstan; the Deputy High Commissioner visited Ireland, the United Kingdom of Great Britain and Northern Ireland, Uruguay, Paraguay, Chile, Poland, the United States of America, Qatar, Mali, Niger, Chad, Tunisia, Lebanon, Malawi and Mongolia; and the Assistant Secretary-General conducted missions to Ethiopia (to attend the African Union Summit), Burundi and the Democratic Republic of the Congo, and accompanied the Secretary-General on missions to Bosnia and Herzegovina, Croatia, Montenegro, Serbia, Slovenia and the former Yugoslav Republic of Macedonia.

7. Furthermore, OHCHR conducted a number of assessment missions aimed at engaging in dialogue with national interlocutors and exploring possible avenues of cooperation in Bahrain, Egypt, Iran (Islamic Republic of), Myanmar and Yemen.

8. The Human Rights Council, in resolution 17/25, requested OHCHR to enhance its technical assistance to the Transitional Federal Government of Somalia and its subnational authorities. In May 2012, in Mogadishu, OHCHR and UNPOS signed a memorandum of understanding on technical cooperation in the field of human rights with the Transitional Federal Government. This initiative will allow increased support for Somali authorities and will contribute to placing human rights at the core of the post-transition phase. In June 2012, I signed a memorandum of understanding with the Government of Saudi Arabia on technical assistance.

9. In the wake of crises and in the context of transitions, the assistance of OHCHR has been increasingly solicited, including requests for the establishment of field presences, technical cooperation or support to commissions of inquiry. The number of special procedures mandates of the Human Rights Council requesting OHCHR to monitor and report on human rights situations and increase technical cooperation has also grown. Furthermore, new mandates have been established, and the tenth United Nations treaty body has begun its operations.

10. I welcome this trend as reflecting an enhanced appreciation of the importance of human rights and the role of OHCHR. The affirmation of the centrality of human

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Supervision Mission in the Syrian Arab Republic (UNSMIS); and United Nations Support Mission in Libya (UNSMIL).

[4] Human rights advisers are posted with United Nations country teams in Africa (Burundi (covering the Great Lakes), Chad, Kenya, Madagascar, Niger and Rwanda); the Americas (Ecuador, Honduras and Paraguay); Asia and the Pacific (Papua New Guinea and Sri Lanka); and Europe and Central Asia (Georgia (covering the Southern Caucasus), the Republic of Moldova, the Russian Federation, Serbia, Tajikistan, the former Yugoslav Republic of Macedonia and Ukraine.

[5] Pending the formal establishment of a Regional Office in North Africa, and following the agreement of the Government of Tunisia, activities covering the region are currently being conducted from Tunisia on a temporary basis.

rights to sustainable development at the United Nations Conference on Sustainable Development (Rio+20) is also a remarkable step.

11. Given the current financial constraints, sustained political and financial support from Member States is crucial for OHCHR to capitalize on the momentum and fulfil its multifaceted mandate.

II. Thematic priorities of the Office of the United Nations High Commissioner for Human Rights

A. Strengthening of human rights mechanisms and the progressive development of international human rights law

1. Strengthening of human rights mechanisms

(a) Human Rights Council

12. During the reporting period, the initiatives of the Human Rights Council expanded in the face of critical situations. With regard to the Syrian Arab Republic, the Council convened three special sessions and an urgent debate, extended the mandate of the commission of inquiry for a third time[6] and established a mandate of Special Rapporteur to monitor the human rights situation in the country and the implementation of the recommendations of the commission of inquiry, once the mandate of that body had ended.[7] Furthermore, the Council adopted new country resolutions requiring reporting by OHCHR (Mali, South Sudan, Sri Lanka and Yemen) or requesting the Office to extend or strengthen its technical assistance (Democratic Republic of the Congo, Iraq, Libya, Somalia, Sri Lanka and Yemen). It also established new country mandates on Belarus, Côte d'Ivoire and Eritrea.

13. On the basis of Human Rights Council mandates, OHCHR continued to support the commissions of inquiry on Libya and the Syrian Arab Republic and assisted in the establishment of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem.[8]

14. In some cases, the refusal of the Governments concerned to cooperate prevented the direct collection and verification of information, limited the analysis and findings and, more critically, prevented dialogue. Such cases fundamentally undermine the authority and purpose of the Council, as well as the work of OHCHR.

15. Another critical issue, which gained greater visibility during the reporting period, is the disturbing trend of reprisals and campaigns targeting civil society representatives attending the Human Rights Council and cooperating with human rights mechanisms and OHCHR. It is essential to prevent such attacks and preserve the space for civil society during and beyond sessions of human rights mechanisms. A panel discussion scheduled to take place at the twenty-first session of the Council will address this issue.

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[6] Resolution 19/22.

[7] Resolution S-18/1.

[8] Resolution 19/17.

16. In addition to the mandates mentioned above, an increasing number of resolutions of the Human Rights Council assigned various activities to OHCHR, including workshops, seminars, reports and studies. I am pleased to note that the Council has been pursuing the outcome of its review, in line with the Convention on the Rights of Persons with Disabilities, with regard to enhancing the accessibility of its work to persons with disabilities by producing documents in an easy-to-read format and continuing to provide sign-language interpretation and real-time captioning of relevant panels. Through panel discussions, the Council continues to address important human rights issues, such as giving voice to persons living with HIV/AIDS, the promotion of the Universal Declaration of Human Rights through sport, the right to development, discrimination in a multicultural world, the cultural and linguistic rights of indigenous peoples, human rights in the context of peaceful protests, freedom of expression on the Internet, discrimination and violence based on sexual orientation and gender identity, and the rights of older persons. At its nineteenth session, the Council launched an annual panel discussion on human rights mainstreaming in the United Nations system.

17. The increase in the number of thematic and country resolutions adopted by the Human Rights Council demonstrates its determination to address chronic, urgent and emerging human rights situations and issues. Yet, as mentioned in paragraph 9 of my previous report to the General Assembly (A/66/36), this has significant implications for OHCHR, and the provision of required resources by the Assembly has not been timely or commensurate with the additional workload.

(b) Universal periodic review

18. In March 2012, the first four-year cycle of the universal periodic review came to an end. For the first time in the history of international relations, all States had their human rights record reviewed by other States, with the participation of national human rights institutions, civil society organizations, United Nations entities and development actors. Over 20,000 recommendations were made pertaining to all human rights, providing a platform for initiating or strengthening human rights engagement, dialogue and cooperation at the country level, but also at the regional and global levels. The second cycle began on 21 May 2012, with the review of 14 countries.

19. Significant expectations have been invested in OHCHR as the pivotal actor supporting the implementation of the recommendations emanating from the universal periodic review, which requires sustained efforts and resources. In the current context of stringent financial constraints, OHCHR has acted as a catalyst in the follow-up to the universal periodic review in order to optimize the use of existing resources, and has strengthened its operational capacity more effectively to support this new mechanism, including by mobilizing partnerships within the United Nations system and regional organizations such as the Council of Europe, the Commonwealth Secretariat and the International Organization of la Francophonie.

20. All human rights field presences have been actively encouraging, advising and supporting national authorities, civil society, United Nations entities and development actors in their efforts to implement the recommendations of the universal periodic review as well as those of other human rights bodies. OHCHR has also sought strategic partnerships to support the implementation of recommendations; this is particularly valuable in countries where there is no human

rights field presence. Over 150 activities related to the universal periodic review have been undertaken so far in more than 60 countries.

(c) Special procedures

21. The creation of new mandates by the Human Rights Council bears testimony to the key position of the special procedures in the human rights machinery. During the reporting period, the Council established four new country mandates, on Belarus,[9] Côte d'Ivoire,[10] Eritrea[11] and, as noted above, the Syrian Arab Republic, and three thematic mandates, on the promotion of truth, justice, reparation and guarantees of non-recurrence;[12] the promotion of a democratic and equitable international order;[13] and the issue of human rights obligations related to the enjoyment of a safe, clean, healthy and sustainable environment.[14] As at July 2012, there were 48 special procedures, including 12 country-specific mandates.

22. In 2011, special procedures mandate holders carried out 82 country visits. As at July 2012, 91 States had issued a standing invitation to special procedures; regrettably, not all of them have honoured those invitations or done so in a timely manner.

23. Special procedures mandate holders issued 604 communications during the reporting period. Since September 2011, they have submitted a consolidated communications report to each session of the Human Rights Council, with a view to harmonization, rationalization and enhanced transparency. States' response to communications remains disappointingly low, at 35 per cent.

24. Special procedures have sought to increase cooperation with regional human rights systems, as illustrated by the road map on collaboration formulated with the special procedures of the African Commission on Human and Peoples' Rights.

(d) Treaty bodies

25. As at 15 July 2012, there were 1,968 ratifications of and accessions to the human rights treaties and the substantive and procedural protocols thereto. Over the past 10 years, the number of human rights treaty bodies has increased from 5 to 10, with the Committee for the Protection of All Persons from Enforced Disappearance holding its first session in November 2011. In its resolution 66/138, the General Assembly adopted the Optional Protocol to the Convention on the Rights of the Child on a communications procedure which, once in force, will empower the Committee on the Rights of the Child to receive and consider individual communications. In 2011, the five treaty bodies with competence to receive communications adopted 130 decisions on individual communications, thus furthering international jurisprudence in various areas.

26. Since 2000, the annual number of weeks that the treaty bodies are in session has grown from 44 to 73, and the number of expert members has increased from 74 to 172. With the support of OHCHR, the treaty bodies examined approximately 120

[9] Resolution 20/13.
[10] Resolution 17/21.
[11] Resolution 20/20.
[12] Resolution 18/7.
[13] Resolution 18/6.
[14] Resolution 19/10.

State party reports during the reporting period. Notably, in May 2012, the Committee against Torture examined the situation in the Syrian Arab Republic after having requested a special report from the State party, which the Government failed to submit.

27. Since I launched the process of strengthening the treaty body system in late 2009, OHCHR has encouraged and facilitated dialogue among various stakeholders with a view to generating proposals to that end. In this context, consultations were held for academics (Lucerne, Switzerland, October 2011), treaty body members (Dublin, November 2011), United Nations actors (Geneva and New York, November 2011) and States parties (Geneva and New York, February and April 2012, respectively). Furthermore, I received numerous written contributions to this process from various stakeholders. In June 2012, I released a report on the strengthening of the treaty body system (see A/66/860), including concrete proposals based on the consultations. The Chairs of the treaty bodies have endorsed the vision and proposals set out in the report.

28. In June 2012, at their annual meeting, held in Addis Ababa, the Chairs of the treaty bodies also endorsed guidelines on the independence and impartiality of treaty body members ("the Addis Ababa guidelines", A/66/222, annex I).

2. Progressive development of international human rights law

29. During the period under review, the treaty bodies held general discussions, including on the development of general comments. The Committee on the Elimination of Discrimination against Women discussed the human rights of women in conflict and post-conflict situations at its forty-ninth session, in July 2011, and held four regional consultations on the topic during the first half of 2012. It also convened a panel discussion on women's political participation and leadership at its fifty-second session to commemorate its thirtieth anniversary (July 2012); the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families held a day of general discussion at its fifteenth session, in September 2011, on the rights of migrant workers in an irregular situation and members of their families, with a view to preparing a general comment on the subject; the Committee on the Rights of the Child, at its fifty-eighth session, in September/October 2011, devoted its day of general discussion to article 9 of the Convention, dealing with issues pertaining to the rights of children of incarcerated parents; the Committee on the Elimination of Racial Discrimination adopted general recommendation No. 34 (2011), on racial discrimination against people of African descent, at its seventy-ninth session, in August/September 2011.

30. With the support of OHCHR, the special procedures formulated new guidelines and studies. The Special Rapporteur on the right to food presented to the Human Rights Council draft guiding principles on human rights impact assessments of trade and investment agreements (A/HRC/19/59/Add.5); the independent expert on foreign debt and other related international financial obligations of States on the full enjoyment of human rights, particularly economic, social and cultural rights, submitted guiding principles on foreign debt and human rights (A/HRC/20/23 and Corr.1, annex); the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment submitted a report to the General Assembly (A/66/268) setting out principles on the use of solitary confinement with a view to minimizing or abolishing its use; the Special Rapporteur on trafficking in persons,

especially in women and children, presented to the Council draft basic principles on the right to an effective remedy for trafficked persons (A/HRC/17/38, annex I); and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression has contributed to clarifying the nature of State obligations to respect, protect and promote the right to freedom of opinion and expression on the Internet (see A/HRC/17/27 and A/66/290).

31. In 2011, OHCHR supported the launching of the Working Group on the issue of human rights and transnational corporations and other business enterprises, tasked by the Human Rights Council in its resolution 17/4 with promoting the dissemination of the Guiding Principles on Business and Human Rights. The Working Group held its first session in Geneva in January 2012 and its second session in May. OHCHR supported the dissemination and implementation of the Guiding Principles, produced an interpretive guide on corporate responsibility to respect human rights[15] and continued to support the human rights work under the Global Compact.

32. Through its cooperation with regional organizations in Africa, OHCHR and the Special Rapporteur on the human rights of internally displaced persons supported the promotion, ratification and implementation of the African Union Convention for the Protection and Assistance of Internally Displaced Persons (Kampala Convention).

B. Countering discrimination, in particular racial discrimination, discrimination on the grounds of sex or religion and discrimination against others who are marginalized

1. Racial discrimination

33. In 2011, the General Assembly, to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action, held a high-level meeting at which it adopted resolution 66/3, a political declaration calling on the United Nations system and other stakeholders to intensify efforts to eliminate racism, racial discrimination, xenophobia and related intolerance.

34. On the occasion of the International Year for People of African Descent, in 2011, OHCHR organized various activities, including thematic discussions and side events at the Human Rights Council and the General Assembly. The Office also launched a fellowship programme aimed at empowering young people of African descent to improve their knowledge about the work being carried out within the United Nations against racial discrimination.

35. OHCHR provided assistance to the Governments of Benin, Bolivia (Plurinational State of), Burkina Faso, Costa Rica, Guinea, Mauritania, Nigeria, Panama and Uruguay in developing national action plans against discrimination and related initiatives. In 2011, OHCHR organized expert workshops on the prohibition of incitement to national, racial or religious hatred to analyse the legislative patterns, judicial practices and national policies on incitement to hatred in Europe, Africa, Asia and the Pacific and the Americas. As this series of expert workshops

[15] OHCHR, *The Corporate Responsibility to Respect Human Rights: An Interpretive Guide* (HRI/PUB/12/02).

generated a wealth of information and a large number of practical suggestions for improved implementation of the relevant international human rights standards, OHCHR will convene a final expert meeting on 4 and 5 October 2012, hosted by the Government of Morocco, to take stock of these results and will subsequently produce a report for the consideration of all stakeholders.

2. Indigenous and minority issues

36. In 2012, OHCHR organized events to mark the twentieth anniversary of the adoption of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities, including a panel discussion convened at the nineteenth session of the Human Rights Council and an expert seminar on enhancing the effectiveness of international, regional and national human rights mechanisms in promoting and protecting the rights of religious minorities (Vienna, May 2012). OHCHR will also act as the coordinator of the United Nations network on racial discrimination and protection of minorities endorsed by the Secretary-General in March 2012. In June 2011, OHCHR organized its seventh annual training programme for persons belonging to minorities, in addition to launching the first senior minority fellowship programme.

37. In June/July 2012, OHCHR organized its annual training programme for 23 indigenous persons from 17 countries. In May 2012, OHCHR issued guidelines for the protection of indigenous peoples in voluntary isolation and in initial contact in the Amazon Basin and El Chaco. In February 2012, the Board of Trustees of the Voluntary Fund for Indigenous Populations supported, inter alia, the participation of 44 indigenous representatives in the eleventh session of the Permanent Forum on Indigenous Issues. In October 2011, the United Nations Indigenous Peoples' Partnership approved programmes in Bolivia (Plurinational State of), Cameroon, the Central African Republic, the Congo, Nepal and Nicaragua, and a regional programme for South-East Asia.

3. Gender equality and women's human rights

38. OHCHR assisted the Working Group on the issue of discrimination against women in law and in practice to identify good practices on the elimination of laws that discriminate against women. It also supported the Special Rapporteur on violence against women, its causes and consequences in developing recommendations for the implementation of a holistic approach to eliminating all forms of violence against women. In addition, together with the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and the Working Group on Enforced or Involuntary Disappearances, OHCHR convened a workshop on women and enforced disappearance (Addis Ababa, April 2012) to lay the groundwork for a general comment by the Working Group on Enforced or Involuntary Disappearances on that issue.

39. Human rights field presences continued to implement activities to eradicate violence against women. In Kosovo (Serbia), OHCHR supported the development of a plan of action on the basis of Security Council resolution 1325 (2000), on women and peace and security, and the OHCHR Regional Office for Southern Africa participated in a meeting of the Southern African Development Community to formulate a strategy for the elimination of sexual and gender-based violence in the region. In July 2012, in follow-up to the *Report of the Panel on Remedies and*

Reparations for Victims of Sexual Violence in the Democratic Republic of the Congo to the High Commissioner for Human Rights,[16] published in March 2011, OHCHR awarded four grants to non-governmental organizations in Bukavu and Shabunda to provide assistance to survivors of sexual violence. OHCHR also submitted to the Human Rights Council at its twentieth session a thematic study on the issue of violence against women and girls and disability (A/HRC/20/5 and Corr.1), with concrete recommendations for addressing the issue.

40. Along with other United Nations bodies, OHCHR continued to develop policy papers on combating trafficking, evaluating the impact of anti-trafficking responses, addressing vulnerabilities and providing remedies for trafficked persons. OHCHR also continued to promote the use of the Commentary on the Recommended Principles and Guidelines on Human Rights and Human Trafficking[17] and to build the capacity of national law enforcement agencies, particularly in Central Africa, the Middle East and North Africa, in this regard.

41. During the period under review, OHCHR adopted an in-house gender equality policy as well as a strategic plan for its implementation.

4. Discrimination on the grounds of sexual orientation and gender identity

42. OHCHR continued to stress the seriousness and prevalence of violence and discrimination committed against individuals on the basis of their sexual orientation and gender identity. In December 2011, I submitted a report (A/HRC/19/41) to the Human Rights Council documenting discriminatory laws and practices and acts of violence against lesbian, gay, bisexual, transgender and intersex persons in all regions. The report offered evidence of a pattern of violence and discrimination directed at people because of their sexual orientation and gender identity, and set out recommendations addressed to States and designed to tackle the problem at the national level.

43. In my dialogue with Governments, including during country visits, I have called for States to revise laws and address discriminatory social attitudes through education and public information. Human rights field presences have also worked on these issues, including in Cameroon, the Congo, Gabon, the Republic of Moldova and Uganda.

5. Discrimination against person with disabilities

44. As at the end of June 2012, 116 States and the European Union had become parties to the Convention on the Rights of Persons with Disabilities, and 71 States to the Optional Protocol thereto. In 2011, OHCHR, including field presences, provided assistance and support to State and non-State actors to facilitate the ratification and effective implementation of the Convention and the Optional Protocol. OHCHR is also working on a handbook to facilitate the revision of laws and the introduction of legislation and administrative measures to assist in the implementation of the Convention.

45. Together with the Department of Economic and Social Affairs, the United Nations Development Programme (UNDP), the United Nations Children's Fund

[16] Available from: www.ohchr.org/EN/countries/AfricaRegion/Pages/ZRIndex.aspx.

[17] United Nations publication, Sales No. E.10.XIV.1.

(UNICEF), the International Labour Organization (ILO) and the World Health Organization (WHO), OHCHR contributed to the administration of the multi-donor trust fund on disability launched in December 2011 to support technical assistance for the implementation of the Convention. In March 2012, OHCHR submitted a thematic study on participation of persons with disabilities in political and public life (A/HRC/19/36) to the Human Rights Council.

6. Discrimination against older persons

46. Together with the Department of Economic and Social Affairs, OHCHR supported the Open-ended Working Group on Ageing, established by the General Assembly in its resolution 65/182 for the purpose of strengthening the protection of the human rights of older persons. Furthermore, my report to the Economic and Social Council at its substantive session of 2012 (E/2012/51 and Corr.1) was devoted to the human rights of older persons.

7. Discrimination on the basis of health status

47. Further to Human Rights Council resolution 16/28, OHCHR organized the first panel discussion, during the nineteenth session of the Council, to give voice to people living with and affected by HIV. The discussions were focused on the need to amend laws, policies and programmes that are counterproductive in the fight against HIV/AIDS. At that session I also submitted a report to the Council on the protection of human rights in the context of HIV and AIDS (A/HRC/19/37), which provides a human rights analysis of the Political Declaration on HIV and AIDS adopted by the General Assembly in its resolution 65/277. In the Republic of Moldova, my Office provided advocacy and advice that led to legislative reforms lifting the restrictions on entry, stay or residence in the country based on HIV status, strengthening the prohibition of HIV-related discrimination in the workplace and removing mandatory HIV testing for non-nationals and for couples before marriage.

C. Pursuing economic, social and cultural rights and combating inequalities and poverty, including in the context of the economic, food and climate crises

1. Advancing the right to development and integrating human rights into development goals, plans and programmes

48. OHCHR has endeavoured to ensure that the right to development is reflected in major discussions on development, including Rio+20, the quadrennial comprehensive policy review and the post-2015 development agenda.

49. In 2011, OHCHR completed a comprehensive programme of global commemoration of the twenty-fifth anniversary of the Declaration on the Right to Development, summarized in a report (A/HRC/19/45) submitted by myself and the Secretary-General to the Human Rights Council. The commemorations concluded with a call for intergovernmental action on the right to development and for human-rights-based policy coherence in the global partnership for development. In that context, I emphasized that the process of development must be released from the confines of a narrow focus on economic growth.

50. Building on the human rights commitments made by Member States at the High-level Plenary Meeting of the General Assembly on the Millennium Development Goals in 2010 and reflected in Assembly resolution 65/1, OHCHR strengthened its research, advocacy and partnerships in support of efforts to achieve the Millennium Development Goals and define a principled development agenda for the period after 2015. In November 2011, OHCHR convened, with the Centre for Economic and Social Rights, an expert consultation entitled "The Millennium Development Goals: Who's Accountable?", to identify policy and operational implications for the post-2015 development agenda. In 2012, OHCHR contributed actively to the work of the United Nations system task team on the post-2015 United Nations development agenda. As a result, the task team recognized human rights as one of the three proposed pillars of a post-2015 development agenda.

51. Mainstreaming human rights into United Nations policies, guidelines, programmes and learning and methodological tools is critical in strengthening the Organization's capacities to effectively support national human rights promotion and protection efforts. In this context, OHCHR chaired and coordinated the work of the United Nations Development Group human rights mainstreaming mechanism. In October 2011, a multi-donor trust fund was launched to strengthen the capacity of United Nations country teams to support the development of human rights protection systems at the country level. Under this fund, a joint strategy was adopted to deploy human rights advisers to resident coordinators' offices. Unfortunately, only symbolic contributions have thus far been made to the fund.

52. OHCHR also works closely with United Nations resident coordinators and United Nations country teams, who are instrumental in mainstreaming human rights into United Nations policies, programmes and activities at the country level. OHCHR provided substantive support for the formulation of United Nations Development Assistance Frameworks and common country programme documents, many of which reflected a human-rights-based approach. Furthermore, during the reporting period, OHCHR contributed to leadership and induction programmes for 170 resident coordinators and heads of United Nations agencies. This partnership is essential to effectively mainstream human rights throughout the work of the United Nations, particularly where there is no OHCHR presence.

2. Combating poverty

53. OHCHR continued to support the Government of Ecuador in integrating human rights into its national development plan and began piloting a guide on a human-rights-based approach to sectoral policy planning. In Nepal, OHCHR facilitated the strengthening of the Government's human-rights-based approach to national planning and programming on poverty reduction, including through the development of a publication on human rights indicators to monitor economic, social and cultural rights, launched in September 2011.

54. Furthermore, OHCHR supported initiatives to integrate human rights into national budget policies and processes through applied research and capacity-building activities. In Liberia, my Office supported the Ministry of Planning and Economic Affairs in integrating human rights into the country's second poverty reduction strategy. In December 2011 in Cameroon, OHCHR organized a regional workshop on applying a human-rights-based approach to the budget process for representatives of finance and planning ministries, national human rights institutions

and civil society from seven countries. The goal was to advance human rights in national development agendas, public policy and financial frameworks. In Haiti, OHCHR provided support to civil society organizations for the monitoring of public policies and the identification of development priorities within local public budgets. The final report on this activity was publicly endorsed by parliamentarians, who presented it to the Prime Minister to be used as a reference document in the preparation of public policies and budgets. In June 2012, OHCHR organized training on human rights and budgets for the Government of Togo as part of its effort to integrate human rights into the new poverty reduction strategy.

3. Economic, social and cultural rights

55. Throughout its work, OHCHR has increased its advocacy and support for the promotion and protection of economic, social and cultural rights. Field presences advocated the ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. OHCHR also provided support and advice to Governments, parliaments, United Nations country teams and civil society on the legal and judicial protection of economic, social and cultural rights and on the implementation of the rights to adequate housing, adequate food and health.

56. In addition, OHCHR developed tools and training materials on the protection and monitoring of economic, social and cultural rights and contributed to relevant debates among practitioners and academicians. In accordance with Human Rights Council resolution 14/13, I submitted a report on the question of the realization in all countries of economic, social and cultural rights (A/HRC/20/4 and Corr.1) to the Council at its twentieth session.

4. Protecting human rights in the context of the economic, food and climate crises

57. Through the High-level Task Force on the Global Food Security Crisis, OHCHR contributed to the common position on food and nutrition security of the United Nations, the international financial institutions and the World Trade Organization for Rio+20, as well as to the Secretary-General's Zero Hunger Challenge. OHCHR also supported the Committee on World Food Security and provided technical advice to the Committee on the development of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security.

58. Together with the Food and Agriculture Organization of the United Nations (FAO) and the Special Rapporteur on the right to food, OHCHR has contributed to the growing movement to strengthen the protection of the right to adequate food through human-rights-based legislation and strategies. The Deputy High Commissioner and I discussed food insecurity and the need for a comprehensive response to this issue during missions to Chad, Malawi, Niger and Zimbabwe.

D. Human rights in the context of migration

59. OHCHR has sought to mainstream a human rights approach to migration through the Global Migration Group. It also continued to urge that greater attention be paid to the human rights dimension of migration within the annual Global Forum on Migration and Development, including through the provision of technical expertise, in preparation for the sixth Global Forum to be held in Mauritius in

November 2012. Moreover, ahead of the High-level Dialogue on International Migration and Development scheduled to take place at the sixty-eighth session of the General Assembly, OHCHR has undertaken activities to promote the human rights of all migrants, regardless of their legal status.

60. At the eighteenth session of the Human Rights Council, I submitted a report to the Council on the situation of migrants and asylum-seekers fleeing events in North Africa (A/HRC/18/54), in which I expressed my concerns about violence, interception and deaths at sea. In that regard, I welcomed the European Court of Human Rights decision of 23 February 2012 in the case of *Hirsi Jamaa and others* v. *Italy*, in which the Court reaffirmed the human rights of all migrants at sea. My Office had submitted a legal brief to the Court as an intervening party. In March 2012, OHCHR, in cooperation with the Global Alliance against Traffic in Women, organized an expert consultation on the subject "Human rights at international borders: exploring gaps in policy and practice". In their conclusions, the experts called on the Office to develop guidance on this topic. Since 2011, OHCHR has provided technical advice to the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX) in the development of human rights training material for border guards.

E. Combating impunity and strengthening accountability, the rule of law and democratic society

1. Combating impunity

61. OHCHR has actively supported the design and implementation of transitional justice processes to ensure accountability for past human rights violations, redress for victims and broader institutional reform. It assisted initiatives in Burundi, Côte d'Ivoire, Nepal and Togo to establish truth commissions and advised on the design of transitional justice processes in Libya and Tunisia. In Colombia, OHCHR provided advice on legislation on victims' rights and land restitution. In Uganda, OHCHR and the Uganda Human Rights Commission conducted consultations on reparations and remedies for the victims of the armed conflict in that country. Reparations programmes have also been a focus for OHCHR in Timor-Leste and Sierra Leone. Furthermore, OHCHR continued to support the authorities in Burundi, Kenya, Nepal and Uganda and in Kosovo (Serbia) to strengthen victim and witness protection through relevant legislation and dedicated programmes. OHCHR continued its activities to combat impunity and strengthen the rule of law in Bolivia (Plurinational State of), Colombia, Guatemala and Mexico.

62. OHCHR also continued to support international commissions of inquiry and fact-finding missions established by the Human Rights Council to investigate allegations of gross violations of human rights and international humanitarian law in Libya, the Syrian Arab Republic and the Occupied Palestinian Territory, including East Jerusalem. Furthermore, OHCHR provided guidance and advice to such commissions on investigation methodology and tools for recording, analysing and archiving information. At the request of the Secretary-General, OHCHR conducted a review of United Nations engagement with commissions of inquiry and similar mechanisms. Based on 30 cases, the review highlighted the wealth of United Nations experience in this domain, the positive impact of methodologies refined

through years of practice, and the critical contributions of commissions of inquiry to inform international action and to establish accountability where serious human rights violations occur.

63. Enhancing accountability requires the sustained commitment of the United Nations to ensure that human rights lie at the heart of its activities. OHCHR thus provided critical support for the development and implementation of the Secretary-General's human rights due diligence policy on United Nations support to non-United Nations security forces.[18] In the Democratic Republic of the Congo, the implementation of this policy by MONUSCO has led to tangible improvements in the behaviour of the armed forces. The United Nations Joint Human Rights Office of MONUSCO supports the implementation of the policy through a profiling project, created in 2010, to identify individuals in the security services allegedly responsible for violations of international humanitarian and human rights law.

64. OHCHR continued to support the integration of human rights standards and the establishment of accountability mechanisms within law enforcement, military and other security agencies, and contributed to the development of guidance within the framework of the inter-agency Security Sector Reform Task Force.

65. In June 2012, OHCHR convened an expert meeting in Panama on the development of a regional protocol for the investigation of femicide in Latin America, to contribute to combating impunity for violent crimes against women. Moreover, OHCHR was involved in initiatives that led to the development of a common United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity, which was endorsed in April 2012 by the United Nations System Chief Executives Board for Coordination and is aimed at creating a safe environment for journalists and media workers in conflict and non-conflict situations.

2. Streagthening the rule of law

66. In the context of its advocacy of the abolition of the death penalty, OHCHR organized in July 2012 in New York a global panel on the topic "Moving away from the death penalty: lessons from national experiences" to discuss the positive impact of the abolition of the death penalty. In December 2011, OHCHR and the Ministry of Foreign Affairs of China held a seminar on reform of the death penalty in China. OHCHR also organized workshops in Cambodia and Thailand on ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

67. The Office continued to support Member States in ensuring that respect for human rights and the rule of law lies at the heart of effective counter-terrorism strategies, in line with the commitments set out in the United Nations Global Counter-Terrorism Strategy. As Chair of the Working Group on Protecting Human Rights While Countering Terrorism of the Counter-Terrorism Implementation Task Force, OHCHR developed a project to help to ensure that law enforcement policies and activities comply with international human rights law. It also continued

[18] This policy was endorsed by the Secretary-General in July 2011, following efforts by OHCHR and the Department of Peacekeeping Operations. It reiterates the commitment of the United Nations to ensure that support provided to non-United Nations security forces is based on respect for human rights and international humanitarian law, and provides operational guidance in this respect.

developing tools to provide Member States with practical guidance on human-rights-compliant counter-terrorism measures. For instance, in collaboration with the Task Force, OHCHR is developing, through a series of regional expert symposiums in South-East Asia, the Middle East and North Africa, and Europe, guidelines on the right to fair trial and due process in the context of counter-terrorism efforts.

68. OHCHR contributed to the formulation of the draft United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems, adopted by the United Nations Commission on Crime Prevention and Criminal Justice at its twenty-first session, in April 2012. In December 2011 in Brazil, OHCHR organized an expert meeting on legal aid and challenges encountered in that context, gathering representatives of public defenders' offices from Argentina, Brazil, Colombia, Mexico and Peru. OHCHR also continued to support the training of judges, prosecutors and lawyers, including in Bolivia (Plurinational State of), Colombia, Djibouti, the Dominican Republic, El Salvador, Guatemala, Haiti, Libya, Mexico, Panama, Peru, Somalia and Tunisia. In February 2012, it issued, as part of its Professional Training Series, the publication *Human Rights in the Administration of Justice: A Facilitator's Guide on Human Rights for Judges, Prosecutors and Lawyers* (HR/P/PT/9/Add.1).

69. Throughout 2011 and 2012, in partnership with the Department of Peacekeeping Operations, OHCHR contributed to the implementation in three pilot countries (Haiti, Liberia and South Sudan) of the United Nations Rule of Law Indicators Project, which identified strengths and weaknesses in those countries' criminal justice institutions and will contribute to future rule-of-law programming.

3. Strengthening democratic societies

70. During the period under review, OHCHR provided advice and assistance on the establishment and strengthening of national human rights institutions in more than 50 countries, through human rights field presences and/or in collaboration with other United Nations partners, particularly UNDP, and with regional networks of national human rights institutions (see A/HRC/20/9 and A/HRC/20/10).

71. The United Nations Human Rights Training and Documentation Centre for South-West Asia and the Arab Region was established in 2005 in Doha pursuant to General Assembly resolution 60/153 and became fully operational in 2010 under the auspices of my Office. It covers 25 countries (22 Arab States and 3 South-West Asian countries). The Centre has conducted important training activities and regional consultations on United Nations human rights mechanisms, human trafficking, the media and human rights education. However, as developments in the Middle East and North Africa have generated growing demands for the services of the Centre, it has become clear that it will not be able to discharge its mandate effectively without the allocation of adequate resources on an ongoing basis from the regular budget of the United Nations.

72. In 2011-2012, through the Assisting Communities Together (ACT) Project, OHCHR supported 28 local human rights education and training projects of civil society organizations in 13 countries. Furthermore, OHCHR developed human rights education methodological tools and supported the implementation at the national level of the second phase (2010-2014) of the Plan of Action of the World Programme for Human Rights Education, focusing on higher education and training

for teachers and educators, civil servants, law enforcement officials and military personnel.

F. Protecting human rights in situations of armed conflict, violence and insecurity

1. Armed conflict and violence

73. During the reporting period, my Office continued its efforts to enhance the implementation of Security Council mandates for human rights protection. My representatives and I were invited on nearly 20 occasions to brief the Security Council on human rights protection in armed conflicts, as well as on specific situations (Libya, the Syrian Arab Republic, the Occupied Palestinian Territory, the Sudan and South Sudan), emphasizing the importance of adequate resources to support protection mandates and ensure sustained attention to accountability. I was also invited to brief the General Assembly on the situation in the Syrian Arab Republic. This remarkable trend shows the indisputable importance given to human rights in the context of the peace and security agenda. It also demonstrates the complementarity of the work of the Security Council and the Human Rights Council. It is hoped that opportunities to brief Member States will remain available whenever they are necessary, and will inform and enrich decision-making by intergovernmental bodies.

74. OHCHR worked with the Department of Peacekeeping Operations on further guidance and training for the effective implementation of mandates for the protection of civilians and, more broadly, the protection of human rights. On the ground, the human rights components of peace missions have been central in designing and reviewing strategies for the protection of civilians and human rights, building on their monitoring, reporting and advocacy, which are fundamental to the missions in terms of early warnings of impending violence, assessments of trends and preventive engagement with alleged perpetrators.

75. In South Sudan, in the context of its overall efforts to address inter-community violence and related human rights violations, UNMISS promptly dispatched human rights officers to investigate incidents of violence. In June 2012, UNMISS issued a report entitled "Incidents of inter-communal violence in Jonglei State", based on in-depth human rights investigations by the UNMISS Human Rights Division, with support from my Office, into the killings, abductions and destruction of property that occurred in the context of the events that began in December 2011. UNMISS also deployed monitoring teams to assess the implementation of the Government's compliance with human rights standards in the context of a programme for the disarming of civilians in Jonglei. In Afghanistan, following persistent advocacy by the human rights component of UNAMA, the International Security Assistance Force (ISAF) created a civilian casualty mitigation mechanism to track incidents in which international forces have been responsible for civilian deaths and injuries. In addition to documenting cases, the system has proved to be effective in launching investigations and providing remedies to some victims. UNAMA and OHCHR have been advocating the creation of a similar mechanism within the Afghan security forces.

76. In order to strengthen the integration of human rights in the United Nations peace and security agenda, OHCHR led the development of a joint policy on human

rights in United Nations peace operations and political missions, which was issued in September 2011 by OHCHR, the Department of Peacekeeping Operations, the Department of Political Affairs and the Department of Field Support. This landmark document consolidates relevant existing policy, institutional arrangements and good practices in a single binding document and provides operational guidance for its implementation.

77. Providing human rights training to peacekeeping personnel is a fundamental step in ensuring their preparedness to implement their mandates. In addition to working with the Department of Peacekeeping Operations on developing predeployment training materials, OHCHR designed and delivered a comprehensive and practical human rights induction course for the 300 unarmed military observers deployed to the Syrian Arab Republic, aimed at providing them with the needed skills and knowledge to work effectively with the human rights component in implementing the mandate of UNSMIS and taking into account the particularly challenging context.

2. OHCHR engagement in humanitarian action

78. In 2011, OHCHR adopted a strategy on engagement in humanitarian action in order to be a more predictable, timely and effective actor in humanitarian preparedness and response. Furthermore, many human rights field presences continued to integrate human rights into humanitarian work by providing expert advice to humanitarian country teams, participating in protection clusters and, in some cases, including Haiti, the Occupied Palestinian Territory and in the Asia and the Pacific region, leading such clusters. In the Sahel, OHCHR has engaged at the global, regional (through its Regional Office in West Africa) and country level (in Mauritania), to integrate human rights and protection concerns into the humanitarian preparedness for and response to the food crisis.

79. At the global level, OHCHR remained closely engaged in the multilateral humanitarian response system. In December 2011, I hosted the Inter-Agency Standing Committee Principals meeting and gave the opening address. OHCHR has also been involved in implementing the Committee's "transformative agenda" and contributed to the Global Protection Cluster Strategic Framework 2012-2014, which includes a reference to the role of international human rights and humanitarian law in providing a framework for protection in humanitarian crises.

III. Conclusions

80. The increasing number of requests for assistance from my Office reveals a growing awareness that addressing human rights issues is essential in all societies. The increased attention of the Security Council to human rights issues and to the role of OHCHR reflects the recognition that the protection of human rights is vital to the objective of peace and security. The affirmation of the centrality of human rights to the concept of sustainable development at Rio+20 and the many human rights commitments set out in its outcome document are also welcome. The numerous resolutions of the Human Rights Council mandating OHCHR to conduct monitoring, reporting and technical cooperation also indicate an eagerness to address chronic as well as emerging situations and issues.

81. These developments also demonstrate great trust in OHCHR. While determined to undertake these challenges, the Office needs adequate political and financial support if it is to fulfil its mandate in a timely and meaningful manner, with a view to contributing effectively to the protection of human rights everywhere.

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